

Plaintiffs Win in Westerly Cases

Mrs. Crandall Awarded \$225 Damages—Full Amount of Claim with Costs for Elisha E. Carpenter vs. Segar Co.—Suit of Gordon & Dunbar to Recover on Insurance Policies on Trial—Question of License to be Voted on Annually—Board of Trade Meeting.

When the superior court for Washington county convened in Westerly, Wednesday morning, Judge John W. Sweeney, who had not completed his argument for the plaintiff in the case of Harriet A. Crandall against James Segar Co., in which damages were sought for injuries inflicted by the automobile of defendant being in contact with Mrs. Crandall's horse and carriage, resumed his argument. The claim is for damages of \$2,500 for injuries sustained by Mrs. Crandall.

The argument was completed in 25 minutes, and Judge Dennis Baker gave his charge to the jury. Judge Baker's charge occupied 25 minutes and at 10:25 the jury retired.

Another jury was then empaneled in the case of Elisha E. Carpenter against the H. R. Segar company, in which plaintiff seeks to recover a balance due of \$10.50 for spiles and other building material furnished defendant. The jurors were sworn and the trial proceeded. Judge John W. Sweeney appeared for defendant, and A. T. L. Ledwidge for plaintiff.

Elisha E. Carpenter testified that he resided in Pawcatuck and in January, 1908, made arrangement with Mr. Andrews to furnish spiles, of given length, for \$1.50 each, for the H. R. Segar company. He delivered 217 spiles to the company and later took away 47, and left over 40 that he would not accept, as they had been sized for the coal bins and were of no use to the witness. He had received \$175 in part payment and this action was to recover for the 40 spiles that were spoiled. Had sent bill for balance due but received no response. Never had any conversation with Mr. Andrews relative to the balance due and the amount to be paid for each spile has never been disputed.

When examined by Judge Sweeney Mr. Carpenter testified that the poles were to be seven inches at the top and they would be if cut back to the length ordered. The contract called for poles seven inches at the top. These poles were peeled and witness could not tell what had been done to them. He took away the poles that were not peeled and did not leave the ones in dispute because they were not seven inches at the top. Mr. Carpenter testified that some of the poles taken away were seven inches at the top. Mr. Andrews never made objection to the bill presented, and no objection was raised when the \$175 was paid on account. Mr. Andrews never told witness that poles were not up to the standard in size.

Oliver C. Andrews testified that he was in the coal business as general manager for the H. R. Segar company. He ordered some poles from Elisha Carpenter to repair the coal bins in Main street after the fire, the poles to be seven inches in diameter at the top. Mr. Carpenter delivered poles and 117 were accepted. After the first load was received, told Mr. Carpenter that the poles were not of the required dimension and could not be used, and he said if there were poles that could not be used he would take them back. Told Mr. Carpenter he would not leave \$175 on account but would not pay the bill as presented, as the poles were not up to the standard. Of the forty poles left in dispute, none are seven inches at the top, and informed Mr. Carpenter that they could not be used. He never ordered these poles to be peeled.

Henry R. Segar testified, as did also John F. Davis.

After the arguments by Attorneys Sweeney and Ledwidge, the judge charged the jury. As the jury in the Crandall-Park case were still out and occupied police headquarters, utilized as jury room, Judge Baker ordered the court room cleared, and the judge and all others retired, leaving the room to the jurors. In less than ten minutes the room was reopened and the court session reconvened. The jury rendered

a verdict that plaintiff recover the full amount of the claim with costs.

After deliberating for two hours the jury in the Crandall-Park case brought in verdict in favor of the plaintiff, and that she receive \$225 for the injuries received. It is said that Mr. Parks soon after the accident offered Mrs. Crandall \$200 in settlement of the claim and to avoid a lawsuit.

At the afternoon session the jury was empaneled in the case of Gordon & Dunbar against the Indemnity Fire Insurance company of New York and the American Central Fire Insurance company of St. Louis, an action to recover for losses by fire in store of defendant in Main street, Westerly, under the firm name of Pleasant View dairy, which occurred on May 22, 1907. The policies were for one year and insured for \$500 in each company. The insurance companies have refused to pay for the losses, although due notice of loss has been given and accepted by terms of policy. The stock and goods and fixtures were totally destroyed and plaintiff claims full face value of the policies. Judge John W. Sweeney appeared for plaintiffs and C. M. Van Slyke for defendant.

Abraham Dunbar testified that he was a member of the board of engineers of Westerly, and that there was a fire at 10:45 at night in the Pleasant View dairy, where butter and eggs and farm produce were offered for sale. Had one stream of water on fire at first, and then the exact location was learned and another stream put direct on the fire and it was extinguished. Witness had charge of the department at the time, and the firemen were there for about an hour.

Abraham Dunbar was the next witness and said he now resided in Pawcatuck, N. J., and had lived in Westerly six months, and with John Gordon were partners under the firm name of Gordon and Dunbar, at 40 Main street. He is 24 years of age. He took out five insurance policies, two for \$500 each on stock and fixtures. There was a fire in the store on the night of May 22, 1907, and at the time of fire alarm was preparing to retire to his home in Pawcatuck. Someone called him and he went down to the store and found the floor covered with water. Went to the cash drawer and got the insurance policies and took them home. The back of ice chest was burned, the stock was in a mushy mess and the fixtures were knocked about.

Mr. Gordon was not in Westerly that night; he was also engaged in the metal business in Norwich and Westerly. Saw Everett A. Kingsley two days after the fire and he was accompanied by an insurance adjuster. The witness made a list of his losses and said he was going to make claim for full amount and adjuster said if the full claim was made there would be no trouble to get it. Then asked the adjuster to allow for actual loss to be based on inventory, and then made a complete inventory, which was sworn to and let with Judge Sweeney. Witness had full charge of the business and opened and closed the store. The inventory of stock showed valuation of \$201.36, and fixtures cost \$333 and were first used in the Pleasant View dairy and were used for three months. Had no insurance on property, except the two policies, and the property was of no value after the fire.

Charles M. Gordon was called and testified that he was in the iron and metal business in Norwich and Westerly. At the time of the fire he was a partner with Mr. Dunbar in the Pleasant View dairy, but took no active part in the business. On the night of the fire witness was in Norwich and heard of the fire next day, and called at the store two days afterwards. Dunbar, Kingsley and the

are adjuster were there. They were looking over the schedule prepared by Dunbar. We claimed full loss and the adjuster said we demanded too much. The adjuster was offered the goods and to pay the loss but the adjuster said no loss had been sustained and that no insurance would be paid.

Everett A. Kingsley was called to the witness stand and testified that he was an attorney at law and was associated with William H. Casey in the fire insurance business. He said his partner had written the policy.

Mr. Van Slyke addressed the court, claiming that the terms of the contract were not fully complied with in regard to proof of loss in proper form and as expressly stipulated. At 4:30 court adjourned to 9:30 Thursday morning.

The question of license or no-license for the sale of liquor is to be voted upon annually in the state of Rhode Island, and a petition requiring a special election to be held on the subject, was presented to the board of selectmen. The petition is not required to get a vote on the question. The amendment to the town charter laws designed to eliminate the annual vote on the question was defeated in the house, Tuesday, after a brief debate.

The regular monthly meeting of the Westerly board of trade was held in the evening of Tuesday, May 4, presided over by Charles Perry presiding. The minutes of the previous meeting were read by Clerk Albert R. Stillman and approved. There was a fair attendance of members.

Dr. John Champin of the trades and manufacturers, reported that the committee had been in conference with the president of the Westerly Silk Mill company. Plans are being prepared for a full building for the company, and when completed will be submitted for his approval, together with the cost of construction. Plans are also being perfected that will result in the location of a new industry within a few months.

James A. Welch, who was re-elected to the position of the appointment of a tree warden, reported that the town council of Westerly had authority to appoint such an official. Mr. Welch offered a vote requesting the town council to appoint a tree warden, to have charge of public trees.

F. C. Hoffman stated that the council had the right to have the matter of charge of trees either by a tree warden or by a committee, and he conferred the committee the most effective.

The motion of Mr. Welch was carried after the addition was made that a tree warden or three taxpayers, be appointed. It was voted that the municipal improvement and traffic committee, represented by a sub-committee, present the resolution to the town council.

Dr. William Critcherson asked if anything had been done in regard to the freight car of the Groton-Stonington road standing in West Broad street, the subject that was suggested by Mr. Maxon at a former meeting of the board. Mr. Maxon stated there was a project for the extension of the Groton and Stonington service into Westerly and that the board of trade should favor the project.

Milo Clark presented a resolution favoring the effort of the Associated Street Railway company to connect its tracks with those of the Groton and Stonington Street Railway company, urging that the Westerly town council give the matter favorable consideration. The resolution was unanimously adopted.

The names of George A. Dunham, H. M. Swinney and Oliver H. Williams were presented for membership and referred to the committee.

President Perry announced that up on invitation, Secretary Stillman and himself attended the meeting of the Boston with reference to the tariff rates of railroads. Mr. Stillman gave an interesting report of the proceedings, and explained the standpoint of the New England manufacturers by reason of differential rates; that New England was slow in attending to railroad rate matters, and it was time that concerted action was taken by all boards of trade and kindred associations in order to be effective.

Secretary Stillman reported for the committee who attended the hearing before the Connecticut legislature, in relation to the proposed Connecticut river bridge. He said the board was fortunate in having Governor Uter on the committee, for he made the really best speech of the occasion.

Secretary Stillman read several communications received during the month, which touched upon matters of general public interest, which were referred to the executive committee.

The republican town committee held a meeting Wednesday evening, and it was a hot one. The faction headed by Thomas Bidwell produced a ticket for councilmen, all but two names on which were rejected. The following names of present members of the council were decided upon and will be recommended to the freemen at the caucus to be held some night next week.

William Clark, Albert H. Langworthy, B. Clarence Maxon, W. A. Saunders and William Colby, in the place of Dr. M. H. Scanlon, who declined a renomination, Maurice W. Flynn was chosen and Charles Thomas will fill the place of George N. Burdick, who is now on the police committee. The two last names were proposed by the Bidwell faction, who will also undoubtedly put up a stiff fight at next week's caucus.

Local Laconics. David P. Archie has returned to Westerly from Toronto, Ont.

Dr. Ray W. C. Greene of Worcester was the guest of Ethan Wilcox Monday.

Rev. M. S. Anderson of New Britain was the speaker at the People's Mission, Tuesday evening.

BRIEF STATE NEWS

Watersbury.—Fifteen directors of the Town Y. M. C. A. were the guests of the directors of the New Britain association Tuesday evening.

Hartford.—Harold Nathaniel Chandler of Pittsburg, Mass., is announced by the Trinity college faculty as valedictorian of the senior class.

Middletown.—The Daughters of Liberty, an auxiliary to Mattabessett council, No. 12, U. T. A. M., was instituted in this city Friday night.

Farmington.—It is reported that Farmington is to have a handsome memorial library building, the gift of D. N. Barney, in memory of his mother.

East Hartford.—Past Chaplain Frank A. Graham of U. S. Army, died Tuesday, May 4, at his home at Noroton. He was a former resident of Hockanum.

Shelton.—The real estate market was strong and active during April. The number of transfers were of considerable magnitude, especially in the farming districts of the town.

Suffield.—The 23rd annual May breakfast at Mapleton, given by the Crook-Lane Hall association, was more largely attended this year than ever. It being estimated that fully 800 were present.

and in the Russian ambassadorship will be \$17,500.

New Britain.—J. Spencer Douglass made a gift of \$2,500 Tuesday to the First church. The money is to be used for a clock in the steeple, and any surplus will be turned over for general church work.

New Haven.—At the annual meeting of the Connecticut Typothetae association William H. Lee, who has been its president since the organization was founded, resigned, and N. H. Gillespie of Stamford was elected to succeed him.

Winsted.—Pinebank, the cottage at Highland lake owned by Rev. N. M. Callahan of Orange, was burglarized recently. What was taken will not be known until Mr. Callahan or some member of his family arrives. The building was thoroughly ransacked.

Thompsonville.—The local Barbers' union has adopted a new schedule of working hours, which will become effective today. The old plan of closing at 12 o'clock noon on every Monday for the remainder of the day will be continued. On Tuesday, Wednesday, Thursday and Friday evenings the shops will close at 8 o'clock, and on Saturdays evening the shops will remain open until 9 o'clock. It has been the custom in the past to keep the shops open until 9 o'clock Wednesday evening.

The Telegraph is Uninfluenced.

The New London Telegraph does not say in so many words that Mr. Palmer, the owner of the paper, was not responsible for the comments on Governor Lilley, which, coming from him, might be interpreted as regret for his vigorous opposition to him. It was simply the editorial view of the governor. "The editorial columns of this newspaper," it says, "for the last five months, have been uninfluenced by the ownership of the stock in the newspaper corporation."—Waterbury American.

Now that the chemical manufacture of indigo has made the natural product unprofitable, only 12 districts in Burma grow the indigo plant, and which offer for local dyeing purposes.

There is more Calatrava in this section of the country than all other diseases put together, and until the last few years was supposed to be incurable. For a great many years doctors pronounced it a local disease and prescribed local remedies, and by constantly failing to cure with local treatment, proved catarrh to be a constitutional cure and therefore requires constitutional treatment.

Calatrava Cure, manufactured by F. J. Cheney, Toledo, Ohio, is the only constitutional cure on the market. It is taken internally in doses from 10 to 20 pills, three or four times a day, and it cures the blood and mucous surfaces of the system. They offer one hundred dollars for any case it fails to cure. Send for circulars and testimonials. Address F. J. CHENEY & CO., Toledo, Ohio.

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Smashes All Records. As an all round laxative tonic and health builder no other pills can compare with Dr. King's New Life Pills. They tone up the stomach, liver and kidneys, purify the blood, strengthen the nerves, cure Constipation, Dyspepsia, Biliousness, Jaundice, Headache, Chills and Malaria. Try them, 25c at Lee & Osgood Co.

Many weak, nervous women have been restored to health by Foley's Kidney Remedy, as it stimulates the kidneys so they will eliminate the waste matter from the blood. Impurities depress the nerves, causing exhaustion and other ailments. Commence today and you will soon be well. Pleasant to take. Lee & Osgood Co.

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Naturally we would do such work well, much better than it could be done in a one-man office, for the operators employed here are all men of the very highest skill. They need to be to do the Restoration work. Bunglers would not be tolerated in our office, and neither would dental students. We demand the finished craftsman, both at the operating chair and in the laboratory.

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